

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DEANNA BETRAS,)	
)	Civil Action No. 2:21-cv-00873
Plaintiff,)	
)	
v.)	Filed Electronically
)	
OLI-CAR INC.,)	
)	
Defendant.)	
)	
)	

**PLAINTIFF’S MOTION FOR ENTRY OF
DEFAULT JUDGMENT AGAINST DEFENDANT**

Now comes Plaintiff, Deanna Betras (“Plaintiff”), by and through her attorneys, and moves this Honorable Court to enter default judgment against Oli-Car Inc. (“Defendant”), in the amount of \$87,401.56. In support, Plaintiff states as follows:

1. On July 8, 2021, Plaintiff filed a putative class action complaint against Oli-Car Inc., d/b/a The Filly Corral., alleging violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*, the Pennsylvania Wage Payment and Collection Law, 43 Pa. C.S. § 206.1, and common law. *See* ECF No. 1.
2. On July 14, 2021, the Clerk issued a summons as to Defendant.
3. On July 23, 2021, Plaintiff served summons and complaint on Tom, the owner and manager of Defendant, by personal service. *See* Summons/Return of Service Returned Executed at ECF No. 8.
4. Defendant’s Answer to Plaintiff’s putative class action complaint was due on or before August 13, 2021.

5. No attorneys have entered appearances as counsel for Defendant. Defendant has failed to plead or otherwise defend against Plaintiff's class action complaint.

6. On August 20, 2021, Plaintiff requested entry of default in this case. *See* Request to Enter Default at ECF No. 12.

7. On August 20, 2021, a copy of Plaintiff's Request to Enter Default was served on Defendant via FedEx, signature required. *See* Exhibit 1 attached hereto.

8. On August 20, 2021, the Clerk entered the Default. *See* Clerk's Entry of Default at ECF No. 13.

9. Plaintiff worked at Defendant's club starting August 2007. On or about March 18, 2020, Defendant's club closed due to the COVID-19 pandemic. Since Plaintiff ceased working for the club during the period in which it was closed, the number of hours worked for purposes of calculating total amount of uncompensated time during the applicable three-year statute of limitations, reflects the period from July 31, 2017, to March, 18, 2020.

10. Plaintiff typically worked 6:30 pm to 2:00 am each Wednesday and Thursday, and from 6:30 pm to 3:00 am, each Friday, Saturday, and Sunday.

11. Plaintiff seeks damages in the amount of \$80,950.56:

	Hours Worked per Week	Wage	Weekly Pay	Weeks Worked	Damages	Liquidated Damages under FLSA (100%)
Regular Hours	40	\$ 7.25	\$ 290.00	137	\$ 39,730.00	\$ 39,730.00
Overtime Hours	0.5	\$ 10.875	\$ 5.44	137	\$ 745.28	\$ 745.28

					Total Lost Wages	Total Damages Requested under FLSA
					\$ 40,475.28	\$ 80,950.56

12. To date, the Plaintiff's attorneys' fees total \$5,860.00:

Professional	Time	Rate	Lodestar
Elizabeth Pollock-Avery	1.10	\$650.00	\$715.00
Nicholas Colella	4.80	\$500.00	\$2,400.00
Kenneth Held	6.30	\$400.00	\$2520.00
Dan Hart	0.90	\$250.00	\$225.00
Grand Total:	13.10		\$5,860.00

13. This amount represents both a reasonable rate for the work performed in this case, and a reasonable amount of time spent engaging in this litigation.

14. Plaintiff's costs associated with this case are \$591.00:

Date	Purpose	Cost
07/09/2021	Complaint, filing fee	\$ 402.00
08/04/2021	Service Fee	\$ 189.00
		Grand Total: \$ 591.00

15. Upon information and belief, Defendant is not an infant, incompetent person, or a member of the military service.

Wherefore, Plaintiff hereby respectfully requests that the Court enter a default judgment in the amount of \$87,401.56, inclusive of compensatory and liquidated damages, reasonable attorneys' fees, and costs.

Respectfully Submitted,

/s/ Elizabeth Pollock-Avery
Edwin J. Kilpela
Elizabeth Pollock-Avery
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